

1 GEOFFREY A. HANSEN  
Acting Federal Public Defender  
2 HEATHER R. ROGERS  
Assistant Federal Public Defender  
3 160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
4 Telephone: (408) 291-7753  
5 Counsel for Defendant JAMES KELLEMS

**Filed**

APR 10 2012

RICHARD W. WIEKING  
CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 11-00341 DLJ  
12 )  
Plaintiff, ) STIPULATION AND [~~PROPOSED~~]  
13 vs. ) ORDER CONTINUING HEARING DATE  
14 JAMES KELLEMS, )  
15 Defendant. )  
16

17 **STIPULATION**

18 Defendant James Kellems, by and through Assistant Federal Public Defender Heather R.  
19 Rogers, and the United States, by and through Assistant United States Attorney Thomas M.  
20 O'Connell, hereby stipulate that, with the Court's approval, the status hearing currently set for  
21 April 12, 2012, at 9:00 a.m., before the Honorable D. Lowell Jensen, shall be continued to June  
22 7, 2012, at 9:00 a.m.

23 The reason for the requested continuance is that, due to Ms. Rogers' leaving the Federal  
24 Public Defender's office, Mr. Kellems' case is being reassigned within the office, and defense  
25 investigation and the parties' negotiations are ongoing. New counsel requires the additional time  
26

1 to continue these efforts. The parties therefore respectfully request a continuance to June 6,  
2 2012, at 9:00 a.m.

3 The parties agree that the time between February 2, 2012, and February 23, 2012, may be  
4 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective  
5 preparation of counsel and to ensure continuity of counsel.  
6

7 Dated: April 9, 2012

8 /s/  
HEATHER ROGERS  
Assistant Federal Public Defender  
9

10 Dated: April 9, 2012

11 /s/  
THOMAS M. O'CONNELL  
Assistant United States Attorney  
12

13 **~~[PROPOSED]~~ ORDER**

14 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
15 ORDERED that the hearing currently set for April 12, 2012, at 9:00 a.m., before the Honorable  
16 D. Lowell Jensen, shall be continued to June 6, 2012, at 9:00 a.m.

17 THE COURT FINDS that failing to exclude the time between April 12, 2012, and June 6,  
18 2012, would unreasonably deny counsel for the defendant reasonable time necessary for effective  
19 preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§  
20 3161(h)(7)(B)(iv).

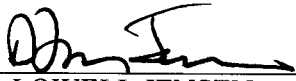
21 THE COURT FINDS that the ends of justice served by excluding the time between April  
22 12, 2012, and June 6, 2012, from computation under the Speedy Trial Act outweigh the interests  
23 of the public and the defendant in a speedy trial.

24 //

1           THEREFORE, IT IS HEREBY ORDERED that the time between April 12, 2012, and  
2 June 6, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
3 3161(h)(7)(A) and (B)(iv).

4           IT IS SO ORDERED.

5 Dated: 4-10-12

  
HON. D. LOWELL JENSEN  
United States District Court Judge